

Orlando Sentinel  
Copyright 2004, Orlando Sentinel. All Rights Reserved.

Tuesday, March 23, 2004

EDITORIAL

OTHER VIEWS My WORD

KELLER: ACTUALLY, A VERY WEIGHTY MATTER  
Ric Keller

I read with great amusement Cornell law Professor Douglas Kysar's opinion piece regarding my legislation, The Personal Responsibility in Food Consumption Act.

According to an independent Gallup poll, 89 percent of Americans oppose lawsuits by overweight individuals against restaurants. The U.S. House of Representatives recently agreed and successfully passed my legislation by an overwhelming bipartisan vote. But this doesn't persuade Kysar. He makes three smug, yet unfounded, criticisms. First, Kysar charges that those of us in Congress should be concerned about jobs, and not wasting time with this legislation. Is protecting the food industry, the nation's largest private sector employer with 12 million jobs, a waste of time? Why is it that some people pretend to love jobs, yet they hate the very employers who provide those jobs?

Second, he argues that my legislation is unneeded because there are no threats against the food industry. Once again, the good professor failed to do his homework.

Here are the real facts. In August of 2002, attorney John Banzhaf, who played a role in suing the tobacco industry, went on national TV and announced a goal of seeking \$117 billion from the food industry. In January of 2003, he stated, "Somewhere there is going to be a judge and a jury that will buy this, and once we get the first verdict, as we did with tobacco, it will open the floodgates." In June of 2003, he and other trial lawyers from across the United States gathered together in a nationwide conference and signed affidavits stating that they "intended to encourage and support litigation against the food industry."

Indeed, lawsuits have already been brought against McDonald's, Burger King, Wendy's, KFC, KRAFT/Nabisco, with additional new lawsuits now threatened against the makers of ice cream.

Third, Kysar implies that Sen. Mitch McConnell of Kentucky, the sponsor of the companion bill in the Senate, and I must be supporting this common-sense legislation because of contributions from the food industry.

Presumably, the largest beneficiary of my legislation would be McDonald's. It is, after all, the largest fast-food company in America and has had the most

infamous obesity claims filed against it in court. In the last campaign cycle, the trial lawyers out contributed McDonald's 46-1. If I were looking to raise campaign funds from this legislation, frankly, I picked the wrong side.

Further, if the donations the professor speaks of were supposed to make me beholden to the restaurant industry forever, they've wasted their money. Already we find ourselves on opposite ends of an issue: The industry is strongly supportive of President Bush's plan to give legal status/amnesty to 3 million illegal immigrants; I am not.

Professor Kysar should eat his words, and the rest of us can eat our cheeseburgers.

: *Congressman Ric Keller, an Orlando Republican, is the author of the Personal Responsibility in Food Consumption Act.*